IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 13343 of 2007(K)

PETITIONER:

CHACKO JOHN,
KATTURKUDIYIL,
KADAVOOR VILLAGE,
KOTHAMANGALAM,
ERNAKULAM DISTRICT.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT IN THE DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, ERNAKULAM.

3. THE REVENUE DIVISIONAL OFFICER, MUVATTUPUZHA.

4. TAHASILDAR, KOTHAMANGALAM.

5. VILLAGE OFFICER, KADAVOOR VILLAGE OFFICE, KADAVOOR.

6. CHACKO SKARIA, KATTURKUDIYIL, KADAVOOR VILLAGE,
KOTHAMANGALAM, ERNAKULAM DISTRICT.

R1 TO R5 BY GOVT. PLEADER SMT.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 13343 OF 2007 L

Dated this the 13th day of April, 2007

J U D G M E N T

The petitioner complains that the sixth respondent is reclaiming paddy field for the purpose of rubber cultivation affecting the paddy cultivation of the petitioner in the adjacent properties. The petitioner's contention is that this is in violation of the Kerala Land Utilisation Order. The petitioner has filed Ext.P10 complaint before the second respondent-District Collector in this regard. The complaint of the petitioner is that the District Collector is not taking action on Ext.P10.

2. After hearing the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1 to 5, I am of the opinion that the writ petition can be disposed of directing the second respondent- District Collector to consider and pass appropriate orders on Ext.P10, as expeditiously as possible, at any rate within a period of one month from the date of receipt of a copy of this judgment. Before passing final orders on Ext.P10, the second respondent or the third respondent, if he is the competent authority to do

so, should afford an opportunity of being heard to both the petitioner and the sixth respondent. In the mean while, the District Collector would also ensure that the sixth respondent does not fill up the paddy lands in violation of the Kerala Land Utilisation Order.

The writ petition is disposed of with the above direction.

sd/-
S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007